

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
MIDDLE DIVISION**

<b>MAC EAST, LLC,</b>	)	
<b>an Alabama Limited Liability</b>	)	
<b>Corporation,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO.:</b>
	)	<b>2:05-CV-1038(F)</b>
	)	
<b>SHONEY'S, LLC,</b>	)	
<b>a Tennessee limited liability company,</b>	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT'S DESIGNATION OF DEPOSITION TESTIMONY**

COMES NOW Defendant SHONEY'S, LLC ("Shoney's"), and designates the following deposition testimony which may be used at trial of the above matter:

1.     Joan Surles:

Pages 6-56, and exhibits 1-7.  
All pages/lines designated by plaintiff

2.     Donna Power:

Page 100, lines 17-23.  
Page 101, lines 1-13, 16-17.  
All pages/lines designated by plaintiff.

3.     Letitia Henson:

Pages 6, line 18 - Page 8, line 14.  
Pages 9, line 9 - Page 14, line 20.  
Pages 21, line 1 - Page 46, line 4.  
Exhibit 1.  
All pages/lines designated by plaintiff.

4. Matthew Coblenz:

Page 6, line 15 - Page 8, line 18.

Page 9, line 12 - 48, line 2.

All pages/lines designated by plaintiff.

5. Robert Stetson:

Page 70, line 6 - 72, line 1.

All pages/lines designated by plaintiff.

Respectfully submitted this 21<sup>st</sup> day of December, 2006.

/s/ Paul O. Woodall, Jr.

Paul O. Woodall, Jr.

Middle District I.D. No. ASB-4297-O59P

/s/ James N. Nolan

James N. Nolan

Middle District I.D. No. ASB-6012-N61

Attorneys for Defendant, Shoney's, LLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notification of such filing to the following:

Dennis R. Bailey, Esq.  
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/s/ Paul O. Woodall, Jr.

OF COUNSEL